



# **CITY OF SUNNYVALE REPORT Planning Commission**

**October 27, 2003**

**SUBJECT:** **2003-0600 - Dale Meyer [Applicant] Fukui Construction**  
[Owner]: Application for a 13,650 square foot site located at  
**391 South Bernardo Avenue** in an R-3 (Medium Density  
Residential) Zoning District (APN: 161-20-026)

Introduction of an Ordinance Rezoning from R-3 (Medium Density Residential) Zoning District to R-3/PD (Medium Density Residential/Planned Development) Zoning District;

Motion Special Development Permit to allow the construction of six attached town homes.

Motion Tentative Map for six lots and one common lot

## **REPORT IN BRIEF**

**Existing Site Conditions** One story residential single-family home.

### **Surrounding Land Uses**

North Multi-Family Residential

South Multi-Family Residential

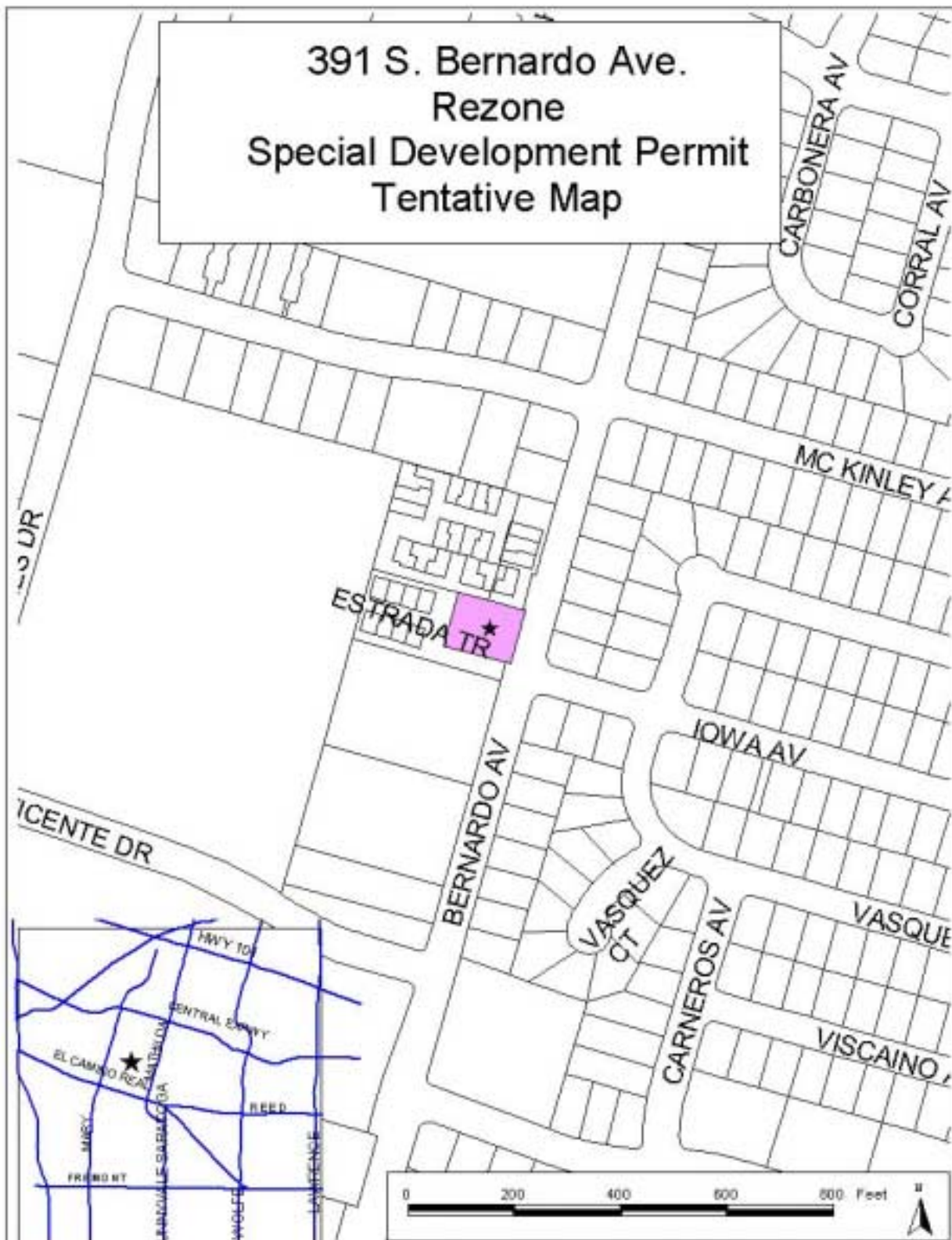
East Single-Family and Multi-Family Residential

West Multi-Family Residential

**Issues** Compatibility of the proposed townhomes with the existing neighborhood.

**Environmental Status** A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Recommend approval to City Council with conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Residential Medium Density	Residential Medium Density	
<b>Zoning District</b>	R3 Medium Density Residential	R3/PD Medium Density Residential, Planned Development	Rezone
<b>Lot Size (s.f.)***</b>	13,696	Lot 1: 1,630 Lot 2: 1,319 Lot 3: 1,375 Lot 4: 1,375 Lot 5: 1,319 Lot 6: 1,630 Common Lot: 5,048	8,000 sf
<b>Lot With (f.t.)***</b>	105'	Lot 1: 40' Lot 2: 37' Lot 3: 40' Lot 4: 40' Lot 5: 37' Lot 6: 40' Common Lot: 105'	120'
<b>Gross Floor Area (sf) (including garage)</b>	2,015 sf	Project Total: 15,369 Lot 1: 2,570 Lot 2: 2,548 Lot 3: 2,566 Lot 4: 2,566 Lot 5: 2,548 Lot 6: 2,570	N/A
<b>Lot Coverage (%)</b>	14%	Project Total: 38%	40% max.
<b>Floor Area Ratio (FAR)</b>	14%	Overall Project Total: 76%	No max in Zoning Code
<b>No. of Units</b>	1	6	7 max.
<b>Density (units/acre)</b>	3 du/ac	18 du/ac	24 du/ac max.
<b>Meets 75% min?</b>	No	Yes	6 min.
<b>Bedrooms/Unit</b>	3-bedroom	Lot 1: 3-bedroom Lot 2: 3-bedroom Lot 3: 3-bedroom	N/A

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
		Lot 4: 3-bedroom Lot 5: 3-bedroom Lot 6: 3-bedroom	
<b>Unit Sizes (s.f.) (including garage)</b>	2,015 sf	Lot 1: 2,570 Lot 2: 2,548 Lot 3: 2,566 Lot 4: 2,566 Lot 5: 2,548 Lot 6: 2,570	N/A
<b>No. of Buildings On-Site</b>	1	2	---
<b>Building Height (ft.)</b>	22' 0 "	30'0"	30' max.
<b>No. of Stories</b>	2	2 (not including parking basement level)	2 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front (First floor)*** (Second floor)***</b>	25' 25'	Project: 15' Project: 15'	20' min. 20' min.
• <b>Left Side (First floor) (Second floor)</b>	20' 20'	Project: 9' Project: 9'	6' min. 15' tot. 9' min. 18' tot.
• <b>Right Side (First floor) (Second floor)</b>	20' 20'	Project: 9' Project: 9'	6' min. 15' tot. 9' min. 18' tot.
• <b>Rear (First floor) (Second floor)</b>	40' 40'	Project: 20' Project: 20'	20' min. encroachment into yard of 25% of total yard.
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	10,000	3,023 (22%)	2,739 (20%) min.
• <b>Landscaping / Unit</b>	10,000/unit	504 sf/unit or 3,022 sf total (22%)	425 sf /unit, or 20% of total lot size
• <b>Usable Open Space/Unit****</b>	10,000 s.f.	Lot 1: 691 sf/unit Lot 2: 0 sf/unit Lot 3: 0 sf/unit Lot 4: 0 sf/unit Lot 5: 0 sf/unit Lot 6: 691 sf/unit	400 sf /unit

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
<b>Parking</b>			
• <b>Total No. of Spaces</b>	4	15	14 min.
• <b>No. of Covered Spaces</b>	0	12	12 min.
• <b>Driveway Aisle Width (ft.)</b>	10'	24'	20' min.

\*\*\* Indicates deviations from Zoning Code.

## ANALYSIS

### Background

**Previous Actions on the Site:** There are no previous planning actions related to the project site.

A Planning Commission study session was held on the item on October 13, 2003. At that time, the Planning Commissioners expressed concern over the following issues related to the project: architecture, usable open space/landscaping, and size of the units. The applicant has modified their plans in response to the study session, and the new plan includes the following changes: modification of the roof line, re-siting of the units, and increased square footages for the required open space.

### Description of Proposed Project

The applicant is requesting approval of a Tentative Map to subdivide a 13,696 square foot lot into 7 lots (i.e. 6 lots and one common lot) and a Special Development Permit (SDP) to allow for construction of six townhomes in two separate buildings. A private street will extend the length of the site providing access to private garages for each unit. Unassigned parking provided for guests will be located in two sections at the rear of the site.

### Environmental Review

A Negative Declaration has been prepared for this project in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

**Rezoning**

**Change Under Consideration:** The subject property is located within the R-3 (Medium Density Residential) Zoning District. The applicant is requesting the addition of a PD (Planned Development) Combining District requiring a Rezone to R-3/PD (Medium Density Residential, Planned Development).

**Objective:** This Rezoning request is being made to allow the applicant to concurrently apply for a Special Development Permit (SDP) to construct the proposed six townhouse units. The purpose of the Planned Development Combining District is to provide modifications, additions and limitations to other zoning districts in order to meet special conditions and situations. In 1998, the City Council approved guidelines for the use of PDs and Special Development Permits (SDPs). The subject request for a PD meets all of the three applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood. (Meets)*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project. (Meets)*
- *To allow for the development and creations of lots that are less than the minimum size required in the base-zoning district. (Meets)*

The project involves the subdivision of one property into 7 parcels, requiring deviations from the requirements of 8,000 sf. per lot and 120 linear feet in lot width. These deviations will be necessary to create separate owner-occupied lots while providing good site and building design.

**Discussion:** The PD Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The surrounding properties to the north, south and west are developed with varying types of multi-unit development. The properties to the east are developed with either multi-unit developments or single-family homes. The PD Combining District provides flexibility in formulating a project that promotes transition and reinvestment of the neighborhood and in allowing townhouse-style ownership housing.

**Special Development Permit**

**Use:** The project site is Zoned R-3 (Medium Density Residential) and is proposed for Rezoning to R-3/PD (Medium Density Residential/Planned Development). An SDP is required since the applicant is requesting consideration of deviations from the Code. This permit addresses the use,

building architecture and site layout as well as the specific deviations requested in the project.

The proposed project consists of six dwelling units (two buildings) that are proposed as ownership units. The units will have attached 2-car garages in the partially subterranean first level. The density of the proposed project is 18 units/acre, which satisfies the housing goal of achieving at least 75 percent of the maximum allowable density (24 d.u./ac). The 13,696 sq. ft. lot allows for up to 7 dwelling units on the property.

The FAR for all structures in the project is 78%. In the R-3 Zone there is no maximum FAR limitation. The majority of housing-types on South Bernardo Avenue are condominiums and townhomes, and the proposed FAR is compatible with the surrounding neighborhood.

**Site Layout:** The proposed development meets the overall project lot coverage standards at 38%, where 40% is the maximum allowed coverage. Individual lots have approximately 70% lot coverages, but deviations from individual lot coverages are common for attached ownership units. The project has a front yard setback of 15 feet where 20 is the minimum distance allowed. This is a deviation from the Code. The project meets side and rear yard setback requirements.

The proposal includes the two typical townhome deviations; the lot size and lot width requirements. Staff supports the reduced lot size and lot width of each individual lot in order to facilitate the townhouse development, which would create home ownership opportunities.

The following Guidelines were considered in analysis of the project site design:

Design Policy or Guideline (Site Layout)	Comments
<b>Site Design A1:</b> New projects shall be compatible with the surrounding development in intensity, setbacks, building forms, material, color and landscaping.	The architectural design of the proposed project is compatible with residential character of the surrounding neighborhood and adjacent development. The mass and scale of the project is generally larger than surrounding developments, although not incompatible. The siting of buildings is not consistent with the surrounding developments and staff is recommending a redesign to meet the required usable open spaces.

<b>Site Design B9:</b> Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.	The proposed project offers private open space for each unit, with internal circulation through a private drive. Additional landscaping to the site will provide an attractive overall streetscape to an older neighborhood with minimal landscaping.
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**Architecture:** The project utilizes a Craftsman-eclectic style of architecture with gable roofs and eaves throughout the proposal. The four end units have exterior material consisting primarily of stucco with a stone veneer base around the garage floor level. The two center units have wood siding also with stone veneer bases around the garage floor level. Wood columns and window popouts also add visual interest to the facade of the structures. The applicant has proposed some minor articulation to the buildings by siting the second unit forward several feet and utilizing alternating roof forms.

At the study session, the Planning Commission expressed concerns with the proposed project regarding the roof line, siting of the units, proposed architecture, and the required open space. Subsequent to this meeting, the applicant submitted redesigned plans to address these concerns. The redesigned plans include the following changes: the roofline has been modified from a straight ridgeline to more complex roof form, the two center units have been re-sited forward by approximately six feet in order to add some articulation to the building facades, and the open space square footage has been increased (although the project still does not meet the definition for required usable open space).

Staff believes that these changes have begun to address the Planning Commission's concerns but also believes that further changes should be required to help the project achieve a higher quality of design. Staff recommends the following conditions of approval: the project shall be redesigned to meet the minimum usable open space requirements of 400 sf/unit, the applicant shall incorporate additional elements into the architecture, such as enhanced window treatments, enhanced front entry ways that are compatible the style of architecture, and increased articulation of the exterior walls. Staff believes that these changes will help the project to reflect a greater excellence in architecture. These suggested changes have been included as conditions of approval #'s 9 and 10.

The following Guidelines were considered in the analysis of the project architecture:



<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<b>Architecture C1:</b> Maintain diversity and individuality in style but be compatible with the character of the neighborhood.	The proposed project will be constructed of a design, materials, and at a residential scale that is compatible with the rest of the neighborhood and adjacent development.
<b>Architecture C2:</b> In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.	The proposed project retains the residential character of the area in terms of architectural styling as well as enhancing the neighborhood of existing multi-family condominiums.
<b>Architecture C9:</b> Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	The Craftsman-eclectic style architecture of the proposed buildings has a number of design elements that create a high-quality product, although there could be an increase in the architectural detailing. Staff recommends conditions of approval that would require additional design features to be incorporated into the final design.

**Landscaping:** Residential uses within the R-3 Zoning District are required to provide a minimum of 400 sf. of usable open space and 425 sf. of total landscaping per unit. Although the site meets the minimum landscaping, it does not meet the minimum usable open space requirement. In order for the landscape area to be counted towards the open space, there are minimum dimensions for each type of space. For lawn or landscape areas, the space must have a 12 foot dimension in both directions. For balcony areas, the space must have a 7 foot dimension in both directions and a minimum area of 80 square feet. The proposed project does not meet the required dimensions to qualify the open space to be counted since the balconies have dimensions of 12' x 4' and the landscaped areas have dimensions of 9' x 32'. Only units 1 and 6 (rear-most two units) have the required dimensional area to qualify the open space to be counted. The unit sizes are generally large and if the unit sizes is decreased, the usable open space may be able to be provided. Staff is recommending a condition of approval that would require the applicant to make a modification to the proposed project to meet the minimum required usable open space. (Condition of Approval #9)

The site does provides adequate landscaping area with 3,022 total square feet of landscaping (22%) or 504 sf/unit.

A final tree protection and a landscaping/irrigation plan with types, quantities and sizes of trees and shrubs is required before issuance of a building permit (See Condition of Approval #21). The applicant has submitted a preliminary Tree and Landscaping plan that indicates a preliminary proposal for trees and other vegetation. (Attachment #4) The project includes the installation of 26 trees of varying species throughout the site.

Sunnyvale Municipal Code 19.38.070 requires that a fifteen foot landscaped frontage be provided on site. This area may include sidewalks and be crossed by access drives and parking areas. The project meets this requirement in the front yard area.

The following Guidelines were considered in analysis of the project landscaping:

<b>Design Policy or Guideline (Landscape)</b>	<b>Comments</b>
<b>Guiding Policy:</b> Landscaping shall be used to enhance sites and buildings, control climate and noise, create transition between adjacent uses, unify various site components, and define and separate functions and activities.	With the proposed landscaping enhancements, the project will comply with this policy.
<b>Landscaping A4:</b> Properly landscape all areas not covered by structures, driveways, and parking.	The site meets the total landscaping requirement for each unit and will provide 26 new trees throughout the site. The project will meet the usable open space requirement if conditions of approval are adopted requiring the applicant to comply.

**Parking/Circulation:**

Access to the property is limited to one driveway entrance on South Bernardo Avenue. The project complies with the Zoning Code's minimum required parking standards by providing 2 covered spaces per unit and three surface parking guest spaces (1/2 space per unit). Each unit will have direct access from the living area of the individual unit into its attached garage. Staff has included Condition of Approval #27 requiring that the three surface spaces shall be maintained as visitor spaces and shall be properly designated with signs or parking stall stenciling.

The shared auto court and driveway will provide pedestrian access from the street to the rear units. The concrete auto court and driveway has brick paving accents, which help slow down traffic as well as reduce the amount of heat radiating from the surface. The driveway area complies with Zoning Code requirements for aisle width and backup distance.

The following Guidelines were considered in analysis of the project parking and circulation:

<b>Design Policy or Guideline (Parking/Circulation)</b>	<b>Comments</b>
<b>Guiding Policy:</b> Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.	Adequate parking and on-site vehicle and pedestrian circulation have been provided for the proposed use and the project complies with the Zoning Code parking requirements.

**Trash Enclosure:** Sunnyvale Municipal Code 19.38.030 states that multi-family uses require a centralized trash and recycling enclosure for the site. Due to the configuration of the lot at 105' wide by 136' deep, staff believes that a centralized trash enclosure is not appropriate for this site. An enclosure at the front of the site may create aesthetic concerns since it will be visible from the street, and an enclosure at the rear of the site may not be appropriate due to the limited mobility of trash collecting vehicles. Staff believes that a more appropriate means of trash collection is for all solid waste and recycling containers to be stored in individual garages and then placed at the curbside on S. Bernardo Avenue for collection. A storage area in each garage area has been added to the proposed plans.

**Easements/Undergrounding:** There are no major utilities located at the site. The Public Work's Department is requiring a six foot street dedication along S. Bernardo for future widening of the street. There is a standard street detail for this portion of S. Bernardo. This dedication is shown on the proposed plans in Attachment #4.

### **Tentative Map**

**General:** The proposed project requires the subdivision of the existing 13,696 square foot property into seven lots (i.e. 6 parcels and one common lot). The lots will range in size from 1,319 to 1,630 square feet in size. The proposed

parcels do not meet the required minimum lot size (8,000 sf.) or the established frontage requirement (120 ft.) for parcels in the R-3 Zoning District; however, the proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configurations are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern; therefore, staff supports the requested deviations in minimum lot size and street frontage dimensions.

**Access:** All six lots will obtain vehicular access from a single driveway located on the common lot (Lot 7). Utilities will also be placed underground in the common lot via a public utilities easement. Staff is recommending as a Condition of Approval that a maintenance agreement shall be recorded with the Tentative Map.

### **Compliance with Development Standards**

<b>Requested Deviations</b>	<b>Justifications</b>
<ul style="list-style-type: none"><li>• A minimum lot size of 1,319 where 8,000 is required</li><li>• A minimum lot width of 105' where 120' is required</li><li>• Front yard setback of 15' where 20' is required</li><li>• Usable Open Space does not meet the minimum open area dimensions</li><li>• All parcels must have public street frontages</li></ul>	<ul style="list-style-type: none"><li>• Recognizes that adjacent parcels are already developed and preclude parcel assemblage.</li><li>• Provides ownership opportunities creating 5 new units.</li><li>• Project mimics and complements development pattern in the neighborhood.</li><li>• Site Layout allows for efficient circulation/parking.</li><li>• A condition of approval has been added that will require the applicant to redesign a portion of the project to meet the minimum open space requirement.</li></ul>

Staff believes that this project provides a higher level of architectural quality, increased average open space and landscaping per unit, a compatible residential use with the surroundings uses and additional ownership opportunities that would not be available if the project were required to comply with the standards noted. Staff finds adequate justification to approve the requested deviations with the Conditions of Approval.

### **Expected Impact on the Surroundings**

The proposed project will lead to an increase in the intensity of use of the site, but no significant traffic or noise impacts are expected as a result of the

project. The main impact will be visual, as two 2-story structures will change the look of the site from the street and from the surrounding properties. The applicant has worked with staff to address the project's compatibility with the existing neighborhood and staff finds that the new proposal will not create a compatibility issue in the neighborhood. Staff also finds the architectural style suitable for the surrounding neighborhood.

### **Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• Mailed to the property owners and tenants within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> <li>• Recorded for SunDial</li> </ul>

### **Alternatives**

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1. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map) with attached conditions.
2. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone from R-3 to R-3/PD the site and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

Recommend Alternative 1 to the City Council.

Prepared by:

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Steve Lynch  
Project Planner

Reviewed by:

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Fred Bell  
Principal Planner

Reviewed by:

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Trudi Ryan  
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Negative Declaration/Initial Study
4. Development Plans
5. Draft Rezoning Ordinance

## **Findings - Rezone**

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In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed or modified is deemed to be in the public interest." The proposed Rezoning is consistent with this finding because it is consistent with the General Plan land use designation and assists the City in meeting its housing goals by adding five new ownership units.

## **Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as discussed below:

### **Housing and Community Revitalization**

**A.1:** *Continue to improve, if feasible, the existing jobs to housing ratio.*

The project's five additional housing units would incrementally improve the City's jobs/housing ratio.

**A.4.a:** *The City shall require all new developments to build at least 75% of permitted density.*

The project meets this requirement with six units.

### **Land Use and Transportation Element**

**C2.2:** *Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

The proposed project will create 5 homeownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted number of residential units. The neighborhood is a mix of multi-family housing which provide rental and ownership units. The building design and architecture will enhance a neighborhood of older residential units while maintaining similar density and scale to the area.

**Policy B.4:** *Ensure that new development and rehabilitation efforts promote quality design and harmonize with existing neighborhood surroundings.*

The architecture and site layout of the proposed project is a significant improvement of the existing development on site. The project is compatible with the surrounding neighborhood.

**N.1.2.2:** *Utilize adopted City design guidelines to achieve compatible architecture and scale for renovation and new development in Sunnyvale neighborhoods.*

The proposed project retains the residential character of the area in terms of architectural styling and is in scale with other buildings in the surrounding neighborhood.

**N.1.4.1:** *Require infill development to complement the character of the residential neighborhood.*

The project's design complements the surrounding residential character.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of adjacent properties as the proposed architecture meets the City-Wide Design Guidelines, will be a benefit to the neighborhood and is compatible with the existing architectural character of the neighborhood.

### **Findings - Tentative Map**

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The City Council, Planning Commission, or Director of Community Development shall deny the Tentative Map if it makes any of the following findings:

The subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the Zone and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

- A. That the subdivision is not consistent with the General Plan.
- B. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
- C. That the site is not physically suitable for the proposed type of development.
- D. That the site is not physically suitable for the proposed density of development.
- E. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.



- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- H. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

### **Conditions of Approval - Special Development Permit**

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In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of the building permit.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development. Specific Deviations allowed with this Special Development Permit are as follows:
  - A. A minimum lot size of 1,319 where 8,000 is required
  - B. A minimum lot width of 105' where 120' is required
  - C. Front yard setback of 15' where 20' is required
  - D. The usable open space does not meet the minimum open area dimensions for landscaped areas and balconies.
  - E. There are no frontages on a public street for 4 of 6 units.
6. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
7. The development of the site is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs) and shall be incorporated into its design to the extent feasible.
8. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

9. Prior to the issuance of a Building Permit, the project shall be redesigned to meet the minimum usable open space requirements per unit, as stated in SMC Chapter 19.38.
10. Prior to the issuance of a Building Permit, the project shall be redesigned to incorporate additional design features, such as, but not limited to: enhanced window treatments, enhanced front entry ways that are compatible the style of architecture, or increased articulation of the exterior walls.

### **Utilities**

11. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
12. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

### **Homeowners Association**

13. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
14. The Conditions of Approval of this Special Development Permit.
15. Provisions for short and long term maintenance of all three common lots, landscaping areas, recreational areas, parking, driveways, and utility connections.
16. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
17. Provisions for a homeowners association.
18. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common faculties and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

## **Building Design**

19. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
20. Roofing materials (50 year roof minimum) and colors shall be approved by the Director of Community Development prior to issuance of the Building Permit.

## **Landscaping and Site Plans**

21. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
  - a. A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
  - b. Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
  - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
  - d. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
  - e. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
  - f. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
  - g. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - h. All areas not required for parking, driveways or structures shall be landscaped.
22. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

23. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
  - a. Sodium vapor (of illumination with an equivalent energy savings).
  - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
  - c. Provide photocells for on/off control of all security and area lights.
  - d. Lights shall have shields to prevent glare onto adjacent residential properties.
24. Submit a decorative paving plan for the driveways and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development.

#### **Parking/Access**

25. An easement for emergency access shall be granted to the city over the entire area of the interior street.
26. Property owners shall maintain the garage spaces for the parking of vehicles and recreational vehicles over 18 feet in length are prohibited from being stored on site.
27. All uncovered parking spaces shall be labeled "Guest Parking" as approved by the Director of Community Development.
28. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.
29. Unenclosed storage of any vehicle longer than 18 feet intended for recreation purposes shall be prohibited on the premises.
30. All recycling and solid waste shall be confined to approved receptacles and enclosed in the garages.

#### **Conditions of Approval - Tentative Map**

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##### **A. Planning Division**

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.

2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$6,738.19 per lot shall be paid in accordance with MCS 18.10.

**B. Building Safety Division**

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all septic tanks and irrigation systems in accordance with Building Safety regulations.

**C. Public Works**

1. A six-foot dedication is allowed along the entire lot frontage of South Bernardo, as shown on the proposed set of plans.
2. This project is subject to, and contingent upon, the recordation of a Tract Map. Said Tract Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. Tract Map shall be recorded prior to any permit issuance.
3. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s), guaranteeing completion for all proposed public improvements, prior to Map recordation.
4. The developer shall pay all Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection

fees and off-site improvement plan check and inspection fees, prior to any permit issuance.

5. The interior private access road and the parking area shall be designated as a letter lot on the Tract Map.
6. This project requires dedication of private access road as emergency vehicle ingress-egress easement.
7. Sanitary sewer lines on private access road serving 2 dwelling units or more shall be designated as public sewer system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map.
8. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each dwelling unit.
9. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.
10. The developer shall have provisions in the "Conditions, Covenants, and Restrictions (CC&Rs)" for the perpetual maintenance of the landscaping, private access road, common lot, private easements, private utilities, etc. to the satisfaction of the City. Said covenant shall also prohibit homeowners from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City. CC&Rs shall be recorded concurrently with the Tract Map.
11. The submittal, approval, and recordation of a subdivision map shall be in accordance with the provisions of the State Subdivision Map Act and the City's subdivision ordinance (Title 18).
12. Install all public improvements (curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic control signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works.
13. All public improvements shall be per City standards unless otherwise approved by the Director of Public Works.
14. Any existing deficient public improvements, including but not limited to the realignment of the curb and gutter and sidewalk shall be upgraded to the satisfaction of the Director of Public Works.

15. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk.
16. This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
17. The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
18. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
19. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
20. All proposed drainage system on private access road shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
21. All lots shall be served by utilities, allowing each lot to function separately from one another.
22. Individual water services and meters shall be provided to each lot.
23. All City utilities shall be installed outside any driveway approaches.
24. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction of the Public Works Director prior to issuance of any permits.
25. Each lot shall drain to the street or other approved drainage facility. Cross lot drainage shall be minimized.
26. Adequate drainage/erosion control shall be provided at all times during the construction.
27. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.



28. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
29. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.
30. Obtain an encroachment permit for all public improvements.
31. Comply with insurance requirements prior to commencing work in the public right-of-way.
32. Public improvement plans shall be prepared on 24"x36", 4 mil mylars and submitted as a complete package. A complete package includes street, sewer, water, drainage, off-site landscaping and any appropriate reports and back up documents. Incomplete submittals shall be rejected.
33. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

**D. Fire Prevention**

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(l); UFC 1982 Edition).
2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

**E. Other Public Agencies**

1. Pay School Tax fees prior to issuance of a Building Permit.